

**U.S. Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy (DNA)
Logan Hill Allotment — Range Improvements**

PREPARING OFFICE

U.S. Department of the Interior
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DOI-BLM-CO-200-2014-0061 DN

**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Canon City, CO**

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Chapter 1. Determination of NEPA Adequacy (DNA)

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U.S. Department of the Interior
Bureau of Land Management

OFFICE: RGFOLLCOF02000

TRACKING NUMBER: DOI-BLM-CO-200-2014-0061 DN

CASEFILE/PROJECT NUMBER: Range Improvement # 017588 Logan Hill Well and # 017586 Logan Hill Fence

PROPOSED ACTION TITLE/TYPE: Range:

Logan Hill Livestock Water Well, and $\frac{3}{4}$ mile of new fence (continue the existing Logan Hill fence)

LOCATION/LEGAL DESCRIPTION: Park County, 6th Principal Meridian

- Logan Hill Well - T10S, R75W, Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$
- Logan Hill Fence - T10S, R75W, Sec. 32, NW $\frac{1}{4}$

APPLICANT (if any): Permittee, WRE LLC – Jeff Modesitt

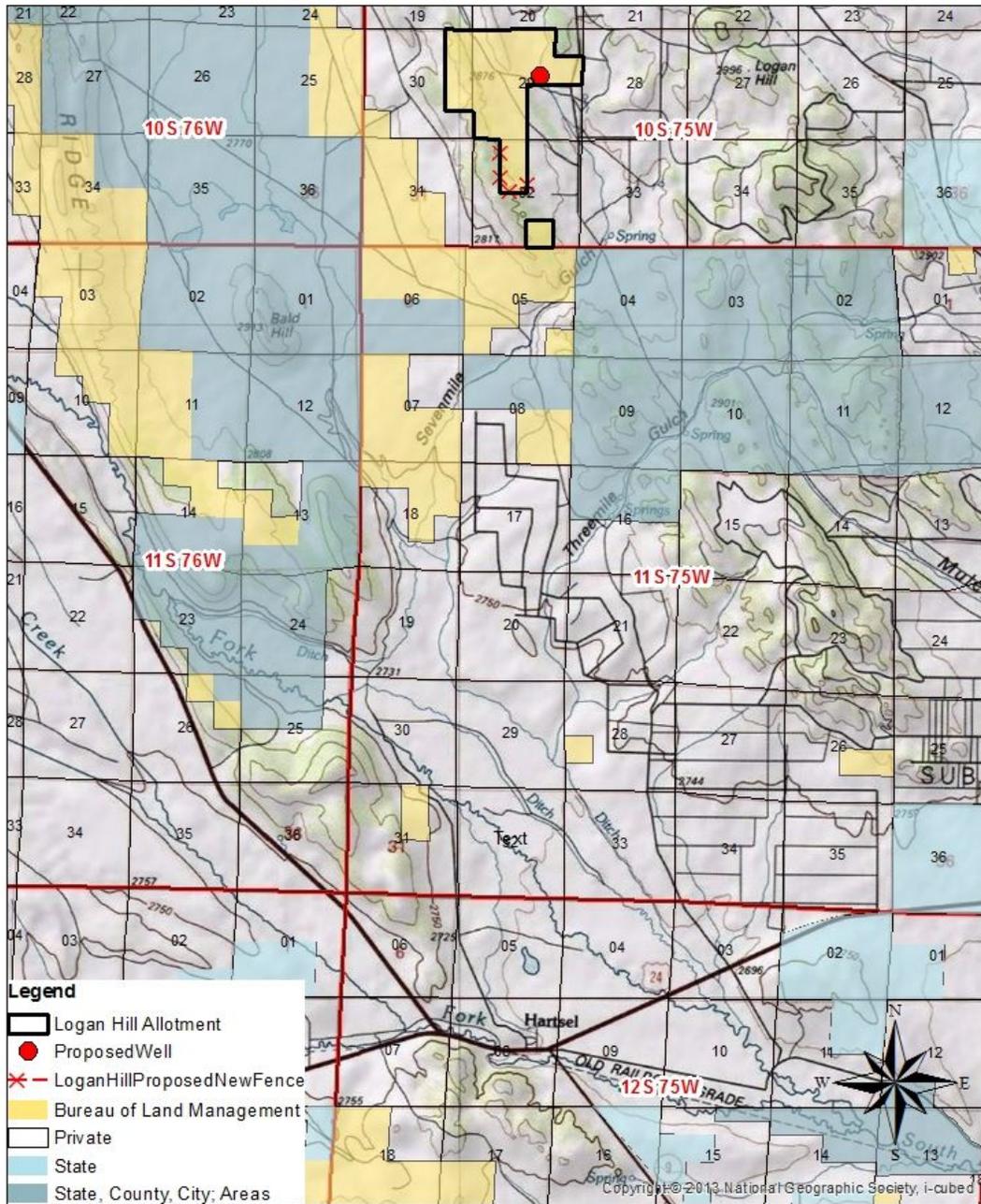
A. Description of Proposed Action and any applicable mitigation measures

The proposed action is to allow construction of a livestock water well within the Logan Hill Allotment #05795 to promote even livestock distribution on public land. This project will allow the permittee to utilize a portion of the allotment that he cannot otherwise use due to the lack of livestock water. The proposed action also includes constructing $\frac{3}{4}$ mile of new fence that will serve as a division fence between the adjacent Logan Hill sub-division and the BLM. Portions of the public land within the Logan Hill Allotment are currently unfenced from a substantial amount of private land. At one time, most of the allotment was fenced. However, over the years portions of the fence have been removed or have fallen into disrepair. This makes the public land susceptible to unauthorized livestock grazing. The authorized grazing lessee on the public land is unable to utilize a portion of the public land without his livestock drifting onto private land that he does not own or lease. The lessee has requested authorization to construct fencing along the portion of the allotment that is not currently fenced (see map.) The basic four wire BLM fence specifications would apply to this fence. The bottom wire would be smooth and set no less than 18 inches from ground level. The top wire would be barbed and set no more than 42 inches from ground level. The bottom wire will be with smooth wire to facilitate antelope movement in the area. The proposed fencing will prevent unauthorized livestock use of the parcel and allow for controlled grazing use by the authorized permittee. The BLM will provide $\frac{1}{2}$ of the fence materials and the permittee will provide the rest of the fencing and construct the fence. Permittee will be responsible for future maintenance of fence.

The well will be drilled during the construction process and two tanks will be placed next to the well location. The new tanks would consist of 12.5 foot rubber tire tanks permanently established with a concrete base. The tanks would include a wildlife ramp. The permittee would be responsible for maintenance of the facility under a Range Improvement Cooperative Agreement (Form #1004-019). The addition of the well will not impact the current stocking rate

or current range management. The project is in cooperation with the current grazing permittee, Front Range District Grazing Advisory Board, Colorado Parks & Wildlife – Habitat Partnership Program (HPP) and the BLM. (PENDING – review of project proposal and board approval)

LOCATION MAP: LOGAN HILL ALLOTMENT PROPOSED RANGE IMPROVEMENTS - LIVESTOCK WATER WELL AND 3/4 MILE NEW FENCE



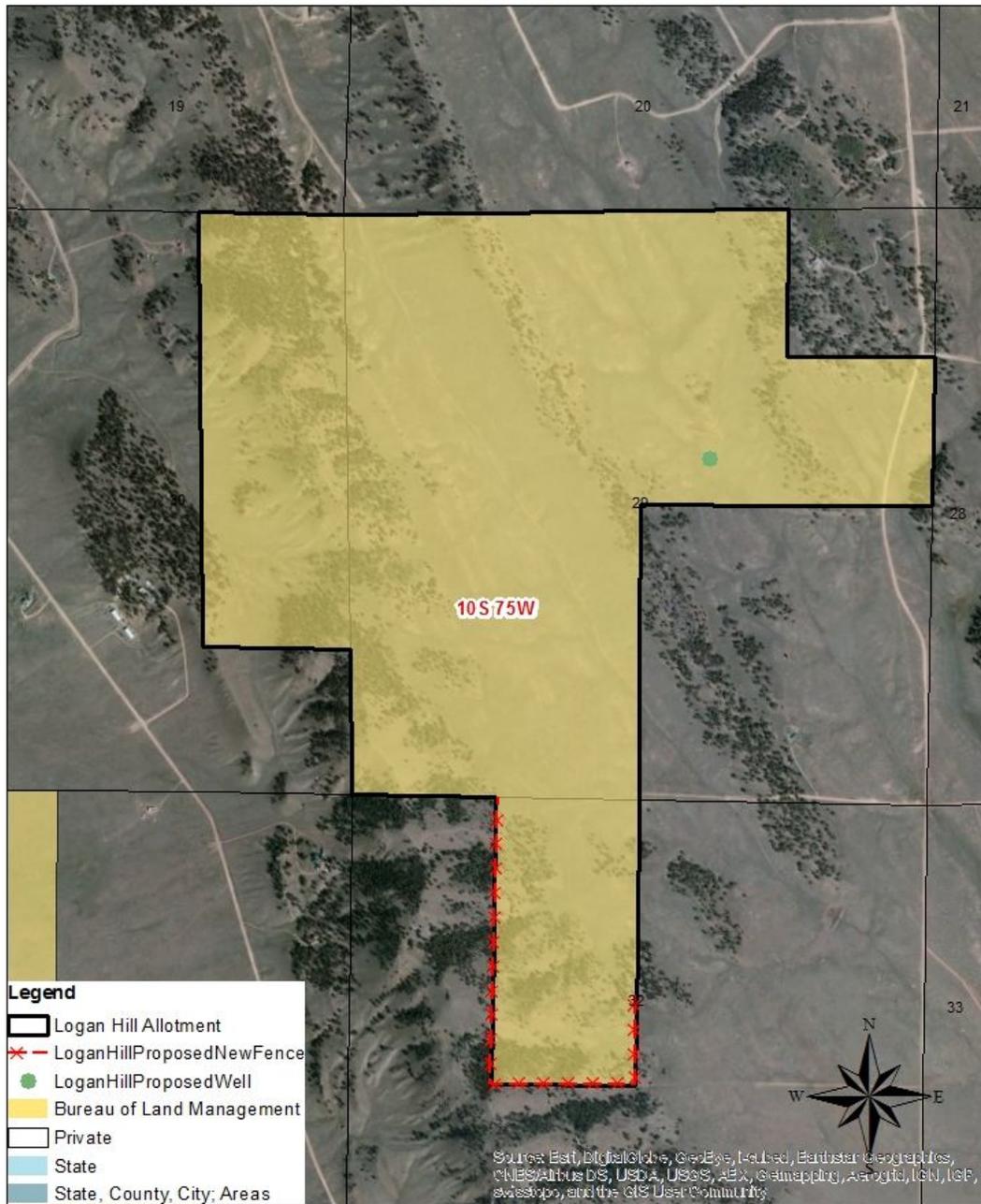
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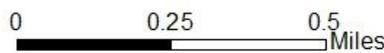
NOTE TO MAP USERS
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked for current status on any specific tract of land.

Figure 1.1.

**PROJECT MAP: LOGAN HILL ALLOTMENT #05795
PROPOSED RANGE IMPROVEMENTS - LIVESTOCK
WATER WELL AND 3/4 MILE NEW FENCE**



DOI-BLM-CO-200-2014-0061 DN
T10SR75W S. 29 & 32



NOTE TO MAP USERS
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked for current status on any specific tract of land.

Figure 1.2.

*Chapter 1 Determination of NEPA Adequacy (DNA)
A. Description of Proposed Action and any applicable mitigation measures*

B. Land Use Plan Conformance

LUP: Royal Gorge Resource Management Plan	Date Approved: 05/13/96
Other Document: Royal Gorge Grazing EIS	Date Approved: April 2, 1980
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: C-38 (Continue to construct range improvements on an as needed basis. Complete NEPA documentation on each project as needed.)“Range improvement projects (i.e. fences, spring developments, water catchments, reservoirs, water pipelines, water troughs, cattleguards, wells, water storage tanks, and livestock trails) will continue to be constructed on an as needed basis. Specifications for these projects will be as directed by BLM manuals. NEPA documentation will be completed on each project as needed”.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

Logan Hill Allotment Term Grazing Permit Renewal CO-200-2007-0051 EA, Aug. 2007

Logan Hill Allotment Term Grazing Lease Transfer CO-200-2013-0085 DN, Aug. 2013

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

South Park Land Health Assessment, September 30, 2006

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The RMP states that “BLM will continue to construct range improvement projects on an as needed basis. BLM will complete NEPA documentation on each project as needed.” The Resource Management Plan analyzed the Royal Gorge Field Office area and grazing allotments therein. This project is located within the Royal Gorge Field Office. There are no other differences. The grazing permit renewal EA (CO-200-2007-0057 EA) covers the site specific allotment.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

Yes. The RGFO RMP contained four management alternatives, and these are identified as:
1) the Existing Management Alternative, which was a continuation of previous management

practices of a mixed level of resource management, utilization and protection; 2) the Resource Conservation Alternative, emphasized resource conservation, providing increased protection for natural resources; 3) the Resource Utilization Alternative provided for utilization, production and development of the natural resources; and 4) the Preferred Alternative that emphasized resource conservation but with moderate levels of development and resource utilization.

The existing EA for permit renewal was conducted in 2007 and continues to be appropriate for current conditions. The EA included a proposed action alternative, which would have provided for any change in grazing or season of use, a no action alternative, that would have continued grazing as previously scheduled and a no grazing alternative. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The RMP was concluded in 1996 and the permit renewal EA was done in 2007. The EA covered most recent issues including most recent health standards assessments and T&E species listing. There is no new information or issues that would change what was analyzed and concluded in the existing NEPA documents.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

As discussed in Section B above, the RMP analyzed the need for future range improvement projects. The most recent Term Grazing Permit Renewal CO-200-2007-0057 EA, Sept. 2007, provides analysis and examination of direct, indirect and cumulative impacts of the proposed action. This DNA ensures that the specialists have reviewed and provided remarks below regarding impacts from the proposed action.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

The views and concerns of the public were actively solicited during the planning process of the RMP. In addition, public scoping was conducted during the planning process of the grazing permit renewal EA. In both cases no grazing or range improvement concerns were identified.

E. Persons/Agencies/BLM Staff Consulted

Table 1.1. Interdisciplinary Team

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 7/24/2014
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 7/17/14
John Lamman	Range Management Spec.	Weeds	JL, 7/28/2014

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 8/13/14
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	NA
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 8/5/2014
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 7/21/14
Ty Webb	Fire Management Officer	Air Quality	TW, 7/25/14
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 7/22/2014
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 7/21/2014
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	N/A
Ken Reed	Forester	Forestry	KR, 7/21/14
Michael Troyer	Archaeologist	Cultural, Native American	MT, 7/25/14
Greg Valladares	Realty Specialist	Realty	GDV, 08/21/14
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A
Ty Webb	Fire Management Officer	Fire	TW, 7/25/14

Other Agency Represented:

The Colorado Parks & Wildlife – Habitat for Partnership Program, and Front Range District Grazing Advisory Board. **(pending approval of project proposal)**

Note

Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

REMARKS:

Cadastral Services: Park County records indicate a private survey in section 32, T. 10 S., R. 75 W. This survey will need to be verified and the boundary lines marked for the proposed fence.

Cultural Resources:

No historic properties were found in the area of potential effect [see report CR-RG-14-134 (N)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns:

No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species:

The project occurs within the breeding range of mountain plover, a BLM sensitive species. No habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 30, the breeding and brood rearing season for mountain plover in South Park Colorado.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Migratory Birds

To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Lands with Wilderness Characteristics: Inventories were updated in 2013 and the project area was found to not possess wilderness characteristics therefore the proposed action will not impact this resource

Paleontological Resources: : In order to prevent potential impacts to paleontologic resources, a stipulation will be attached to the permit that directs the holder to notify the BLM RGFO immediately if any vertebrate fossils or their traces are discovered during operations within this ROW. Operations may continue as long as the fossil specimen would not be damaged or destroyed by the activity. Within 5 working days of notification, the BLM RGFO shall evaluate or have evaluated such discoveries and shall notify the operator what action shall be taken with respect to such discoveries.

Wastes, Hazardous or Solid: If the project involves oil or fuel usage, transfer or storage, an adequate spill kit and shovels are required to be onsite during project implementation. The project proponent will be responsible for adhering to all applicable local, State and Federal regulations in the event of a spill, which includes following the proper notification procedures in BLM’s Spill Contingency Plan.

MITIGATION: None.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

Christine Cloninger

Signature of Project Lead

Melissa K.S. Garcia

Signature of Supervisor

/s/ Martin Weimer

Signature of NEPA Coordinator

/s/ Keith E. Berger

Signature of the Responsible Official

8/25/14

Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.